

Notice of Allowability

Application No.

10/661,914

Examiner

Fred M Teskin

Applicant(s)

HALASA ET AL.

Art Unit

1713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to ELECTION OF JUNE 11, 2004.
2. ☒ The allowed claim(s) is/are 1,3,6-10 and 16-20.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


FRED TESKIN
PRIMARY EXAMINER

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Claim 10, line 2: "containing" has been corrected to --containing--.

Claims 2, 4, 5 and 11-15 have been cancelled as drawn to an invention non-elected without traverse in the response of June 11, 2004.

Examiner's Comment

A spelling error has been corrected in claim 10. Further, in accordance with the Official Gazette Notice dated March 26, 1996 (1184 O.G. 86), process claim 1, which includes all the limitations of the allowable product, has been rejoined. Process claim 5, however, has not been rejoined as this claim does not depend from or otherwise include all the limitations of the allowable product. Claim 5 instead has been cancelled along with the claims drawn to a monomer and a tire, as being directed to an invention non-elected without traverse in an application that is otherwise in condition for allowance.

Citation of Prior Art

The prior art made of record and not relied upon is considered pertinent to applicants' disclosure.

Faust et al is pertinent in its disclosure of silyl-functional styryl comonomer as a reactant with isobutylene and an initiator of defined formula to provide virtually telechelic silyl-functional polyisobutylene (note col. 2, lines 25+).

Fujimoto et al is pertinent in its disclosure of the polymerization of an alkenylsilyl group-containing styrene compound (note Example 1).


Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

The claims are allowed primarily because a rubbery polymer comprising repeat units derived from at least one conjugated diolefin monomer and at least one functionalized monomer of a structural formula as defined in claims 1 and 3 hereof is not disclosed nor fairly suggested in any prior art document(s) located or identified by the examiner as of the date of the Notice of Allowability.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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